

Santa Barbara City Council Subcommittee on Homelessness and Community Relations
January 29, 2009
4:00 – 6:00 p.m.

Santa Barbara City Council Chambers
735 Anacapa Street
Santa Barbara, CA 93101
Minutes

Council Members Present: Iya Falcone, Dale Francisco, Helene Schneider

Staff Present: Frank Mannix, Dave Gustafson, Steve Wiley, Don Olson, Liz Stotts

1. APPROVAL OF MINUTES OF DECEMBER 18, 2008

The minutes of December 18, 2008 were approved as submitted (M-Schneider/S-Francisco).

2. CITY ATTORNEY COMMENTS

Steve Wiley, City Attorney, commented on three items that were brought up at the last meeting. First, he clarified that solicitation is a protected act and a proposed City ordinance would not include a person passively sitting or standing on a street holding up a sign; however, the proposed ordinance would target aggressive or abusive solicitation (verbal solicitation directed at a particular person which also impedes that person passage on a sidewalk, or where the person is threatened with physical harm by word or gesture made in connection with a verbal solicitation or a verbal solicitation accompanied by offensive words towards the person being solicited or words likely to produce a violent reaction from the person being solicited). An "abusive solicitation" would be prosecuted as a misdemeanor. In addition, anyone who verbally solicits at any of the listed locations where solicitation is prohibited (a bus stop, within 25 feet of an ATM, of someone who is in an outdoor dining area, from someone in a vehicle, from someone waiting in a line, etc.,) would also be guilty of misdemeanor "abusive solicitation."

Second, he clarified that any "stay away" orders issued for areas inside the proposed Recovery Zone boundaries must constitutionally exempt people who are seeking services, looking for work, living or working in the area.

Third, he clarified that increased penalties for chronic offenders or offenders in highly impacted areas has been a long-standing practice in criminal law. There is nothing unconstitutional about the City's efforts to prosecute chronic offenders and offenders in the six areas determined to be highly impacted.

3. PUBLIC COMMENT (15 minutes total and limited to new items specifically related to draft recommendation report)

Julie Cooper commented on the criminal activity in the industrial area with people living in their RV's.

Peter Marin spoke about regulating panhandling.

Nancy commented that American belongs to those with the money to buy a voice.

Imelda Loza supported the recommendations going forward to Council and thanked the Subcommittee for their good work.

Nancy McCradie thanked the subcommittee and stated that she would like to see a Recovery Zone Task Force to talk about the logistics of implementation. She also supports the panhandling ordinance and more beds at Casa Esperanza.

Maureen Earls supported recommendations 5 – 12 as priorities for implementation, and she felt that the key to a solution is not a jail cell, but a key to a home.

John Lemmon would like to see a push on implementing recommendations 5 – 12 and would like to see an assessment protocol to see if the recommendations are effective. He also asked the subcommittee to watch criminalizing language and would like to see 40 more beds at Casa Esperanza and supports the Coastal Zone vouchers.

Daniel Knapp commented that Council won't violate civil rights, but others will. He urged the subcommittee to keep a leash on the police. He also asked about the Restorative Policing program.

John Dixon stated that he mostly agrees with the recommendations; however he does not have much faith in the strategies due to limited funding and the difficulty prosecuting offenders. He also stated that he is concerned that the subcommittee did not address the problems associated with the Community Kitchen and he asked that they only be allowed to serve people enrolled in a program. He supports all recommendations except #6 (additional shelter beds).

Melody spoke about panhandling.

Linda Miller commented that she feels Restorative Policing is good because they know who the bad children are and she feels it should be a regional program. She also stated that she felt a Recovery Zone in the Milpas area will push people to another area and the panhandling ordinance should be used to curb aggressive panhandling.

Ken Jacobs stated that he is homeless because the City won't give him affordable housing. He also stated that Casa Esperanza should be closed because they won't feed him.

Ed Mannon commented that the Casa Esperanza management is terrible and asked that the City leave RV's alone.

4. FINALIZE SUBCOMMITTEE REPORT

Subcommittee members went through the recommendations one by one and made the following comments and/or changes:

Recommendation #1:

Councilmember Francisco asked that we clarify the second bullet by adding “from an individual” to read as follows:

- Illegal to solicit from an individual in a vehicle on a public street or alleyway;

Councilmember Schneider asked that the ordinance be crystal clear on the definition of solicitation.

Councilmember Falcone reminded the subcommittee and staff that the proposed ordinance would have to go to Ordinance Committee.

Recommendation #2:

Councilmember Schneider asked what the measure for success was for the chronic offender program. She said that data collection will be necessary and asked for an assessment protocol. She also stated that this recommendation was intended to be interrelated to recommendation #5, Street Outreach.

Councilmember Falcone agreed that all the recommendations are interwoven and this should be reflected in the preamble.

Councilmember Francisco agreed that there needs to be specific assessment for the recommendations.

Recommendation #3:

Councilmember Falcone stated that there needs to be more officers in the Police Department overall.

Recommendation #4:

No Subcommittee changes or comments on Recommendation #4.

Recommendation #5:

Councilmember Schneider stated that it is important to recognize funding constraints for outreach workers and asked that an assessment protocol also be developed for this recommendation.

Recommendation #6:

Councilmember Falcone acknowledged that the City has multiple shelters. She also explained that any increase in beds would be reviewed by the Planning Commission

and could be appealed to City Council, so this subcommittee cannot support an expansion one way or the other.

Recommendation #7:

The subcommittee asked that the language in this recommendation be revised to refer more directly to Lower Milpas.

Recommendation #8:

Councilmember Falcone stated that detox is a dangerous process which requires medically trained staff.

Recommendation #9:

Deputy Chief Mannix explained that all police officers receive basic Restorative Policing training. In addition, ten – twelve are sent to crisis intervention training per year, which is much more detailed.

Councilmember Schneider stated that training Restorative Police Officers is one thing and staffing the Restorative Policing Program is another. She asked that the language in the first bullet be changed to reflect that the City “continue” to train more officers since they already receive training. It will read as follows:

- Continue to train Police Officers in restorative policing strategies when working with mentally ill homeless persons;

Councilmember Falcone stated that there is an incremental increase in officers receiving crisis intervention trainings by training ten – twelve per year.

Recommendation #10:

Steve Wiley explained that the Affordable Overnight Accommodation Fund is comprised of \$1 million that was imposed during a specific project by the State Coastal Commission due to the loss of affordable accommodations in the City. Dave Gustafson stated the funds were received and invested when permits were pulled for the project 2 – 3 years ago and the recommendation is proposing to use this money as an endowment to make a long term fund, which would be administered by a Redevelopment Agency contract.

Councilmember Schneider asked that an assessment protocol also be developed for this recommendation and she stated that a determination needs to be made regarding who gets the vouchers.

Recommendation #11:

Councilmember Falcone acknowledged the Downtown Organization, Conference and Visitors Bureau and Chamber of Commerce and the Santa Barbara Lodging Association for their willingness to work on a panhandling and alternate giving campaign.

Recommendation #12:

No Subcommittee changes or comments on Recommendation #4.

The following closing comments were made by subcommittee members:

Councilmember Francisco stated that he is pleased but acknowledged that this is a work in progress. He feels there is a good balance of approaches in the recommended strategies and we will learn as we go. He also reiterated that there needs to be assessment protocols developed to measure success.

Councilmember Schneider agreed that it is a good package and stated that this is only the beginning. She also stated that there is only so much the City can do; the process requires action from business, shelter providers and the community. Without this collaboration, the document means nothing. She also said that a one year assessment is important.

Councilmember Falcone thanked everyone involved in this long process, including the community and staff. She stated that the recommendations are all intertwined, the City must have partners and it must be regional.

Councilmember Falcone entertained a motion to send the recommendations to the City Council (M-Schneider/S-Francisco). It was approved unanimously.

5. TENTATIVE DATE OF COUNCIL MEETING

The recommendations will be presented to City Council on February 24, 2009 (tentatively).

6. ADJOURN

The meeting was adjourned at 5:52 p.m.